

REMARKS

Applicants' undersigned attorney thanks the Examiner for her comments. Applicants respectfully request reconsideration of this patent application, particularly in view of the following remarks. Currently, Claims 1-41 and 46-59 are pending.

Amendment to the Claims

Claims 1-41 and 46-59 have been examined with no claims being allowed. Claim 21 has been amended to correct a grammatical error.

No new matter has been added by this Amendment. No additional fee is due for this Amendment because the number of independent claims remains unchanged and the total number of claims also remains unchanged.

Claim Rejections - 35 U.S.C. §103

The rejection of Claim 1-41 and 46-59 under 35 U.S.C. §103(a) as being unpatentable over Glaug et al. (U.S. Patent No. 5,702,376, hereinafter "Glaug") is respectfully traversed.

The Examiner suggests that it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the training aid and absorbent in the Glaug reference, thereby achieving the training pant claimed by Applicants. Contrary to the Examiner's assertion, there is no suggestion or motivation to combine the training aid and the absorbent in the Glaug reference, and, furthermore, doing so would not merely involve routine skill in the art.

Glaug discloses a toilet training aid in the form of a pad that is provided separate from a garment. Glaug clearly explains that the toilet training aid is a separate entity in order to allow the consumer to select both the type of accompanying garment and the particular time that is best suited to use the toilet training aid in combination with the garment. While the toilet training aid is intended to be attached to the garment by the consumer, Glaug also mentions that the training aid can be releasably attached to the garment during the manufacturing process. The releasable attachment would provide the consumer with the option of removing the

training aid, if desired. In any case, Glaug teaches *away* from combining the toilet training aid with the absorbent layer *within* a training pant.

It is never obvious to modify a reference in a manner that is repugnant to the teachings of the reference. Glaug clearly intends the toilet training aid to be *separate* from the absorbent layer within a training pant for the reasons explained above. In contrast, Applicants' claimed invention recites a swellable absorbent core positioned *between* an outer cover and a bodyside liner of a training pant, wherein the absorbent core can swell to a thickness of at least about 3 times greater than an initial dry thickness of the absorbent core. Thus, there is no suggestion or motivation in Glaug to modify the toilet training aid and garment to which it is attached by combining the two articles into a single garment to achieve Applicants' claimed invention.

For at least the reasons given above, Applicants respectfully submit that the teachings of Glaug fail to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Conclusion

Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicants have not addressed in this response, Applicants' undersigned attorney requests a telephone interview with the Examiner.

Serial No. 10/027,798

Docket No.: KCC-16,452

Applicants sincerely believe that this Patent Application is now in condition for allowance and, thus, respectfully request early allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Melanie L. Rauch". The signature is fluid and cursive, with the first name "Melanie" being more prominent.

Melanie L. Rauch
Registration No. 40,924

Pauley Petersen & Erickson
2800 West Higgins Road, Suite 365
Hoffman Estates, Illinois 60195
(847) 490-1400
FAX (847) 490-1403